

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LUIS A. CANALES,

Plaintiff,

v.

M. SHEAHAN, et al.,

Defendants.

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**ORDER**

**12-CV-693-V**

On September 22, 2015, United States District Judge Richard J. Arcara referred this case to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). See Docket Item 29. On February 9, 2016, Magistrate Judge Scott filed a Report and Recommendation, and a Decision and Order (Docket Items 32 and 33), granting the plaintiff's cross-motion to amend the complaint and recommending that the defendants' motion to dismiss be denied as moot. The case was transferred from Judge Arcara to the undersigned on March 7, 2016. See Docket Item 35.

This Court has reviewed the file, including the Report and Recommendation. No objections have been timely filed. Therefore, it is hereby

ORDERED that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons explained in Magistrate Judge Scott's careful and detailed Report and Recommendation, the defendants' motion to dismiss is denied as moot.

The case is referred back to Magistrate Judge Scott for further proceedings consistent with the September 22, 2015 Text Order Referring Case issued by United States District Judge Richard J. Arcara.

IT IS SO ORDERED.

*s/Lawrence J. Vilardo*  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

Dated: March 25, 2016